
**THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH**

MICHAEL A. BACON,

Plaintiff,

v.

DERRIK MARSHALL,

Defendant.

ORDER

Case No. 2:21-CV-701-HCN

Howard C. Nielson, Jr.
United States District Judge

Having received Plaintiff's inmate-account statement, the Court now follows up on its December 1, 2021 order granting Plaintiff's *in forma pauperis* (IFP) application. Dkt. No. 3.

Even with IFP status, Plaintiff must eventually pay the full \$350.00 filing fee required. *See* 28 U.S.C. § 1915(b)(1). Plaintiff must start by paying "an initial partial filing fee of 20 percent of the greater of . . . the average monthly deposits to [Plaintiff's inmate] account . . . or . . . the average monthly balance in [Plaintiff's inmate] account for the 6-month period immediately preceding the filing of the complaint." *Id.* Under this formula, Plaintiff must pay \$10. If this initial partial fee is not paid within thirty days, or if Plaintiff has not shown he has no means to pay the initial partial filing fee, the complaint will be dismissed.

Plaintiff must also complete the attached "Consent to Collection of Fees" form and submit the original to the inmate funds accounting office and a copy to the Court within thirty days so the Court may collect the balance of the entire filing fee Plaintiff owes. Plaintiff is also

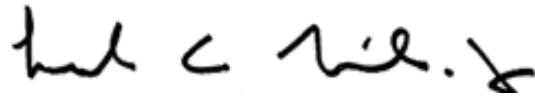
notified that pursuant to Plaintiff's consent form submitted to this Court, Plaintiff's correctional facility will make monthly payments from Plaintiff's inmate account of twenty percent of the preceding month's income credited to Plaintiff's account.

IT IS THEREFORE ORDERED that:

1. Though the Court has already granted Plaintiff's application to proceed in forma pauperis, Plaintiff must still eventually pay \$350.00, the full amount of the filing fee.
2. Plaintiff must pay an initial partial filing fee of \$10 within thirty days of the date of this Order, or the complaint will be dismissed.
3. Plaintiff must make monthly payments of twenty percent of the preceding month's income credited to Plaintiff's account.
4. Plaintiff shall make the necessary arrangement to give a copy of this Order to the inmate funds accounting office at Plaintiff's correctional facility.
5. Plaintiff shall complete the consent to collection of fees and submit it to the inmate funds accounting office at Plaintiff's correctional facility and also submit a copy of the signed consent to this Court within thirty days from the date of this Order, or the complaint will be dismissed.

DATED this 31st day of January, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "H.C. Nielson, Jr.", is written above a horizontal line.

Howard C. Nielson, Jr.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CONSENT TO COLLECTION OF FEES FROM INMATE TRUST ACCOUNT

I, Michael A. Bacon (Case No. 2:21-CV-701-HCN), understand that even though the Court has granted my application to proceed *in forma pauperis* and filed my complaint, I must still eventually pay the entire filing fee of \$350.00. I understand that I must pay the complete filing fee even if my complaint is dismissed.

I, Michael A. Bacon, hereby consent for the appropriate institutional officials to withhold from my inmate account and pay to the court an initial payment of \$10, which is 20% of the greater of:

- (a) the average monthly deposits to my account for the six-month period immediately preceding the filing of my complaint or petition; or
- (b) the average monthly balance in my account for the six-month period immediately preceding the filing of my complaint or petition.

I further consent for the appropriate institutional officials to collect from my account on a continuing basis each month, an amount equal to 20% of each month's income. Each time the amount in the account reaches \$10, the Trust Officer shall forward the interim payment to the Clerk's Office, U.S. District Court for the District of Utah, 351 S. West Temple, Rm. 1.100, Salt Lake City, UT 84101, until such time as the \$350.00 filing fee is paid in full.

By executing this document, I also authorize collection on a continuing basis of any additional fees, costs, and sanctions imposed by the District Court.

Signature of Inmate
Michael A. Bacon